

**IN THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT  
OF TEXAS HOUSTON DIVISION**

**UNITED STATES OF AMERICA** §  
§  
**VS.** § **CRIMINAL NO. 4:13-cr-00363**  
§  
**JAMES WAYNE HAM** §

**AGREED MOTION FOR CONTINUANCE OF  
COMPETENCY HEARING AND  
NOTICE OF WITHDRAWAL OF AGREED MOTION  
FOR BIFURCATION OF COMPETENCY HEARING**

COMES NOW, Defendant, JAMES WAYNE HAM, by and through his attorneys of record, and files this *Agreed Motion for Continuance of Competency Hearing* and *Notice of Withdrawal of Agreed Motion for Bifurcation of Competency Hearing* and in support thereof would show:

1. The competency hearing in this case is currently scheduled for May 17, 2016.
2. On April 20, 2016, Defendant filed an *Agreed Motion for Bifurcation* of the competency hearing in this case.
3. On April 22, 2016, counsel for Defendant received information indicating that UTMB will be available to complete the long awaited 3T MRI testing of Defendant on either May 17, 2016, or May 18, 2016. Therefore, if we move forward with the competency hearing on May 17, 2016, Defendant will lose the opportunity to have the 3T MRI testing completed on that date. It is the belief of the Defense and Defense experts

(not the Government) that this specific test is relevant to competency as well as the trial of this case.

4. Accordingly, Counsel for Defendant and Counsel for the United States hereby withdraw the *Agreed Motion for Bifurcation of Competency Hearing*, (Document #81), which was filed on April 20, 2016.

5. Counsel for Defendant and Counsel for the United States Government respectfully request that this Court continue the competency hearing in this case until November 1, 2016.

WHEREFORE, PREMISES CONSIDERED, both Counsel for Defendant and Counsel for the United States Government respectfully request that this *Motion for Continuance of Competency Hearing* be granted.

Respectfully Submitted,

/S/ ROBERT A. MORROW  
ROBERT A. MORROW  
State Bar No. 14542600  
24 Waterway Avenue Suite 660  
The Woodlands, Texas 77380  
Tel: (281) 379-6901  
Fax: (832)813-0321  
[ramorrow15@gmail.com](mailto:ramorrow15@gmail.com)

/S/ KATHERINE SCARDINO  
KATHERINE SCARDINO  
State Bar No. 17718625  
S.D.I.D. No. 217  
3730 Kirby Drive Suite 1120  
Houston, Texas 77098  
(713) 520-5223 Fax (713) 520-5455  
[katherine@kscardino.net](mailto:katherine@kscardino.net)

**AGREED:**

/s/ SHARAD S. KHANDELWAL  
SHARAD S. KHANDELWAL  
Assistant United States Attorney

/s/ ANDREW LEUCHTMANN  
ANDREW LEUCHTMANN  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

This is to certify that on April 27, 2016, a true and correct copy of the above and foregoing document was served on Sharad S. Khandelwal with the United States Attorney's Office, Houston Division, via e-mail.

/S/ KATHERINE SCARDINO  
KATHERINE SCARDINO